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ATTORNEY DOCKET NO.: AND01 048

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of Peter NICHOLSON

Confirmation No.: 6373

Serial No.: 10/783,434

Art Unit: 3662

Filed: February 20, 2004

Examiner: Gregory C. Issing

Title: ASSISTED GLOBAL POSITIONING SYSTEM LOCATION  
DETERMINATION

**TRANSMITTAL**

**Office of Petitions**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action and in the Alternative a Petition to Revive an Abandoned Application Under 37 C.F.R. § 1.137(a) or Under 37 C.F.R. § 1.137(b), Exhibits A – H, and Exhibit I which is an Election/Response to the Restriction Requirement dated December 27, 2005 for the above-identified application.

The Commissioner is hereby authorized and requested to charge any fees required for this Petition against Deposit Account No. 04-1679.

A duplicate of this sheet is enclosed.

Respectfully submitted,



---

Mark C. Comtois                          Reg. No. 46,285  
Ryan T. Hardee                          Reg. No. 57,515

DUANE MORRIS LLP  
505 9<sup>th</sup> Street, N.W., Suite 1000  
Washington, D.C. 20004  
Telephone: (202) 776-7800  
Facsimile: (202) 776-7801

Dated: February 10, 2009



ATTORNEY DOCKET NO.: AND01 048

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of Peter NICHOLSON

Confirmation No.: 6373

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Mark C. Comtois                          Reg. No. 46,285  
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In re the Patent Application of : Peter NICHOLSON

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DETERMINATION

**Office of Petitions**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON  
FAILURE TO RECEIVE OFFICE ACTION  
AND IN THE ALTERNATIVE A PETITION TO REVIVE AN ABANDONED  
APPLICATION UNDER 37 CFR §1.137(a) OR UNDER 37 CFR §1.137(b)**

Sir:

This communication is responsive to the Notice of Abandonment for the subject application mailed November 16, 2006. Applicant hereby petitions the Office to withdraw the holding of abandonment of this application based on failure to receive an Office Action under MPEP §711.03(c) and 37 C.F.R. § 1.181(a). In the alternative, Applicant hereby petitions to revive an abandoned application under 37 CFR §1.137(a) or under 37 CFR §1.137(b).

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON  
FAILURE TO RECEIVE OFFICE ACTION**

The undersigned hereby states that the Office Action mailed from the Office on March 21, 2006 was not received by the practitioner and that a search of the file jacket and docket records indicate that the Office Action was never received.

In brief, Applicant filed a Power of Attorney on December 9, 2005 executed by the assignee of record revoking a previous Power of Attorney to Barnes & Thornburg LLP. Applicant filed a response on January 27, 2006 to an outstanding Restriction Office Action mailed December 27, 2005. The Patent Office issued a new Office Action on March 21, 2006 and mailed the new Office Action to the revoked counsel Barnes & Thornburg LLP. The Applicant obtained the Notice of Abandonment mailed November 16, 2006 through a periodic diligence check and files this Petition to Withdraw the Holding of Abandonment.

**I. Statement of Facts.**

On December 9, 2005, Applicant filed a Power of Attorney and Statement under 37 C.F.R. § 3.73(b) executed by the assignee of record to prosecute the subject application. Attached as Exhibit A is a true and correct copy of these papers filed with the Patent Office showing the Patent Office's date stamp of December 9, 2005

The Patent Office mailed a Notice of Acceptance of Power of Attorney to Applicant's representatives on December 16, 2005 and a Notice regarding Change of Power of Attorney to the revoked counsel Barnes & Thornburg LLP on the same date. Attached as Exhibit B is a true and correct copy of both Notices mailed by the Patent Office on December 16, 2005.

Applicant timely filed a response on January 27, 2006 to the outstanding Restriction Office Action mailed December 27, 2005. Attached as Exhibit C is a true and correct copy of Applicant's response showing the Patent Office's date stamp of January 27, 2006.

Revoked counsel Barnes & Thornburg LLP faxed a Change of Correspondence Address with the Patent Office on February 9, 2006. Attached as Exhibit D is a true and correct copy of the Change of Correspondence Address form downloaded from Private PAIR. No new Revocation Power of Attorney and/or Statement under 37 C.F.R § 3.73(b) was attached or enclosed to said Change of Correspondence Address.

On March 21, 2006, the Patent Office issued a second Office Action and incorrectly mailed the second Office Action to revoked counsel Barnes & Thornburg LLP. Attached as Exhibit E is a true and correct copy of the second Office Action downloaded from Private PAIR.

Applicant filed a Status Inquiry on April 12, 2006. Attached as Exhibit F is a true and correct copy of Applicant's Status Inquiry showing the Patent Office's date stamp of April 12, 2006.

On November 16, 2006, the Patent Office issued a Notice of Abandonment and again incorrectly mailed the Notice of Abandonment to revoked counsel Barnes & Thornburg LLP. Attached as Exhibit G is a true and correct copy of the Notice of Abandonment downloaded from Private PAIR. A due diligence review of patent applications on the USPTO's Public and Private Patent Application Information Retrieval

website provided an indication that both a second Office Action and a Notice of Abandonment had issued for the subject application.

To date, Applicant has yet to receive a response to its Status Inquiry and has never received via U.S. Mail either the second Office Action mailed on March 21, 2006 or the Notice of Abandonment mailed November 16, 2006. Attached as Exhibit H is a true and correct copy of a Diary Log printout from Applicant's electronic docketing system for the subject application.

**II. The Office incorrectly mailed the second Office Action and Notice of Abandonment.**

In view of the foregoing, Applicant respectfully submits that Applicant's Power of Attorney filed December 9, 2005 (*see* Exhibit A) and accepted by the Office December 16, 2005 was the controlling document as to the correspondence address and attorneys of record. This is evidenced by the acknowledged notices mailed by the Office attached in Exhibit B. The Office appeared to have improperly and incorrectly accepted the Change of Correspondence Address faxed by revoked counsel Barnes & Thornburg LLP without any Revocation of Power of Attorney and/or Statement under 37 C.F.R. §3.73 accompanying said facsimile. Subsequently, the Office incorrectly mailed a second Office Action and later a Notice of Abandonment to revoked counsel Barnes & Thornburg LLP.

The undersigned hereby states that the Office Action was not received by the attorneys of record in the application. A copy of the docket for the working period in which the Office Action should have been docketed from the date of mailing of the Office Action to the date three months after is submitted herewith as Exhibit H. The

docket shows that a reply to the Office Action was not docketed as it would have been in the ordinary course of business if the Office Action had been received. The undersigned hereby states that the docketing clerk whose duties included recording and docketing office actions possessed sufficient training in the necessary docketing duties.

Applicant thus submits abandonment of the subject application is unwarranted and requests reconsideration and withdrawal thereof. Accordingly, Applicant also respectfully requests resetting of the period to reply to the Office Action mailed March 21, 2006 or in the alternative, acceptance of Applicant's response to the Office Action attached as Exhibit I hereto.

Although it is believed that no fee is due for this Petition, the Office is hereby authorized and requested to charge any fees required for this Petition against Deposit Account No 04-1679.

**PETITION TO REVIVE AN ABANDONED  
APPLICATION UNDER 37 CFR §1.137(a)**

In the alternative, the undersigned hereby petitions the Office to revive the abandoned application under 37 CFR §1.137(a).

37 CFR §1.137(a) requires that an adequate showing of the cause of the delay, and that the entire delay in filing the response from the due date thereof until the filing of a grantable petition under 37 CFR §1.137(a) was unavoidable.

As stated above, it appears that the undersigned did not receive the Office Action due to a mistake by the Patent and Trademark Office. Further and as required by the statute, the showing of a business routine for performing the clerical function that may be relied upon to avoid docketing errors and an attestation of the docketing training held by the undersigned's docketing clerk is also discussed above.

**PETITION TO REVIVE AN ABANDONED  
APPLICATION UNDER 37 CFR §1.137(b)**

Further in the alternative, the undersigned hereby petitions the Office to revive the abandoned application under 37 CFR §1.137(b).

As required by 37 CFR §1.137(b), Applicant hereby states entire delay in filing the response from the due date thereof until the filing of a grantable petition under 37 CFR §1.137(b) was unintentional.

Information regarding the unintentional nature of the delay is disclosed in the preceding paragraphs.

Applicant also submits herewith:

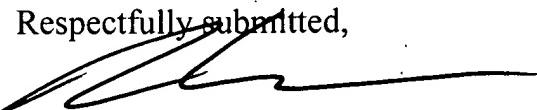
- a. a response to the non-final Office Action dated March 21, 2006 as Exhibit I; and
- b. an authorization for the Office to charge the Petition Fee as set forth in 37 C.F.R. § 1.17(m) against Deposit Account No 04-1679, if necessary.

Applicant now petitions the Office to withdraw holding of abandonment based on failure to receive Office Action.

Favorable consideration of this Petition and acceptance of the Amendment is solicited.

If any point remains that is deemed best resolved through a telephonic conversation, the Office is hereby requested to contact the undersigned directly.

Respectfully submitted,



Mark C. Comtois  
Ryan T. Hardee

Reg. No. 46,285  
Reg. No. 57,515

DUANE MORRIS LLP  
505 9<sup>th</sup> Street N.W., Suite 1000  
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Telecopier: (202) 776-7801  
Dated: February 10, 2009  
DM2\1699688.1

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ATTORNEY DOCKET NO. AND01 048

## EXHIBIT A

AND01 048

In re the Application of Peter Nicholson

Serial No.: 10/783,434

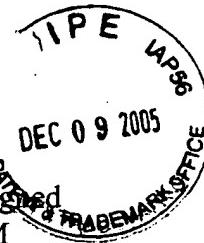
Art Unit: 3662

Filed: February 20, 2004

Examiner: Unassigned

Title: ASSISTED GLOBAL POSITIONING SYSTEM  
LOCATION DETERMINATION

Papers Enclosed: Two Transmittals, a Power of Attorney to Prosecute  
Applications Before the USPTO, a Statement Under 37 CFR 3.73(b),  
and a copy of an Assignment for the above-identified application.



RECEIVED IN THE U.S. PATENT AND TRADEMARK OFFICE



ATTORNEY DOCKET NO. AND01 048

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of Peter Nicholson

Serial No.: 10/783,434

Art Unit: 3662

Filed: February 20, 2004

Issued: Unassigned

Title: ASSISTED GLOBAL POSITIONING SYSTEM LOCATION  
DETERMINATION

**TRANSMITTAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith is a Power of Attorney to Prosecute Applications Before the USPTO, a Statement Under 37 CFR 3.73(b), and a copy of an Assignment for the above-identified Application.

If a Petition for an Extension of Time is necessary for the paper transmitted herewith to be timely filed, this transmittal is to be considered as a petition to extend the response period by the amount of time needed for the paper to be timely filed.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 04-1679.

FILE COPY

A duplicate of this sheet is enclosed.

Respectfully submitted,

---

Patrick D. McPherson	Reg. No. 46,255
L. Lawton Rogers, III	Reg. No. 24,302
D. Joseph English	Reg. No. 42,514
Mark C. Comtois	Reg. No. 46,285

DUANE MORRIS LLP  
1667 K Street, N.W., Suite 700  
Washington, D.C. 20006  
Telephone: (202) 776-7800  
Facsimile: (202) 776-7801

Dated: December 9, 2005



ATTORNEY DOCKET NO. AND01 048

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of Peter Nicholson

Serial No.: 10/783,434

Art Unit: 3662

Filed: February 20, 2004

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1667 K Street, N.W., Suite 700  
Washington, D.C. 20006  
Telephone: (202) 776-7800  
Facsimile: (202) 776-7801

Dated: December 9, 2005



PTO/SB/80 (04-05)

Approved for use through 11/30/2005 OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

Practitioners associated with the Customer Number:

39290

OR

Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Patrick D. McPherson		
Address	1667 K Street, N.W., Suite 700		
City	Washington	State	D.C.
Country	U.S.A.		
Telephone	202-776-7800	Email	pdmcperson@duanemorris.com

Assignee Name and Address:

Andrew Corporation  
10500 West 153rd Street  
Orland Park, IL 60462

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

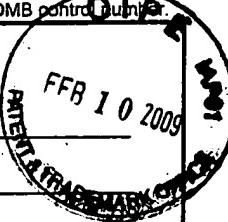
## SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	9/19/05
Name	Terry Garner	Telephone	
Title	Group President, Network Solutions		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: ANDREW CORPORATIONApplication No./Patent No.: 10/783,434 Filed/Issue Date: February 20, 2004

Entitled: ASSISTED GLOBAL POSITIONING SYSTEM LOCATION DETERMINATION

Andrew Corporation, a Corporation  
 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- the assignee of the entire right, title, and interest; or
- an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Peter Nicholson To: Nortel Networks Limited

The document was recorded in the United States Patent and Trademark Office at Reel 015426, Frame 0699, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

Patrick D. McPherson Reg. No. 46,255

Date

202-776-7800

Printed or Typed Name

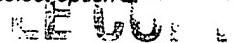
Telephone Number

Attorney

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



ASSIGNMENT OF PATENT AGREEMENT

This Assignment of Patent Agreement is made from Nortel Networks Limited, a corporation duly incorporated under the laws of Canada, having its executive offices at 8200 Dixie Road, Suite 100, Brampton, Ontario L6T 5P6 Canada, ("Assigning Party") to ANDREW CORPORATION, a corporation duly incorporated under the laws of Delaware having its executive offices at 10500 W. 153rd St., Orland Park, Illinois 60462, on its behalf and on behalf of its Affiliates (hereinafter ("Assignee"). Capitalized terms used herein but not defined herein shall have the meanings set forth in the Contribution Agreement.

WHEREAS, Assigning Party and the Assignee have entered into an Asset Purchase Agreement dated as of August 29, 2005 (the "Purchase Agreement"), for the sale by the Assigning Party to the Assignee of certain assets and an assumption by the Assignee of certain liabilities of the Assigning Party; and

WHEREAS, in connection with the Contribution Agreement, the Assigning Party desires to assign to the Assignee, and the Assignee desires to acquire, all of the Assigning Party's right, title and interest (except for license rights retained by Assigning Party as set forth in the Intellectual Property License Agreement) in and to the patents, pending patent applications and invention disclosure submissions, and the inventions described and (as applicable) claimed therein, set forth in Schedule A hereto (collectively, the "Patent Assets"); and

WHEREAS, Assigning Party and the Assignee have entered into an Intellectual Property License Agreement dated as of August 29, 2005, wherein the Assigning Party retains certain rights in the Patent Assets.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Assigning Party and Assignee are entering into this Assignment of Patent Agreement ("Assignment of Patent Agreement") and hereby agree as follows:

1. Assignment of Patents. Except for certain rights retained pursuant to the Intellectual Property License Agreement, the Assigning Party hereby sells, assigns, sets over and transfers to the Assignee all of the Assigning Party's right, title and interest in and to the said Patent, and in, to and under any and all Letters Patent which may be granted on or as a result thereof, and any re-issue, re-examination or extension of said Patent, and in and to any and all priority rights, convention rights and other benefits accruing or to accrue with respect to the filing of applications or patents or the issuance of patents in all countries in respect of the said Patent; the same to be held and enjoyed by the Assignee, its successors, assigns, nominees or legal representative, to the full end of the term or terms for which said letters patent respectively may be granted, reissued or extended, as fully and entirely as the same would have been held and enjoyed by the Assigning Party had this assignment, sale and transfer not been made. The Assigning Party hereby authorizes and requests the Commissioner of Patents of the United States of America and any official of any country or countries foreign to the United States of America whose duty it is to issue patents on applications as aforesaid, to issue to the Assignee, any and all Letters patent for the said patents, which may be issued and granted on or as a result of the application aforesaid, in accordance with the terms of this Assignment of Patent Agreement.
2. Further Assurances. At Assignee's expense, and upon Assignee's written request, the Assigning Party agrees to perform all further acts and execute and deliver all further

documents and/or instruments which may be reasonably necessary to carry out the provisions of this Assignment, including without limitation, cooperating fully with Assignee to perfect the transfer of the Patent hereunder, and, if appropriate, to assure that the patents are properly recorded at any appropriate administrative agency, including but not limited to, the United States Patent and Trademark Office.

3. Governing Law. This Assignment of Patent Agreement shall be governed by and enforced in accordance with the laws of the State of New York and the laws of the United States of America applicable thereto.
4. Successors and Assigns. This Assignment of Patent Agreement shall be binding on, and shall inure to the benefit of, the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the Assigning Party and the Assignee have caused this Assignment of Patent Agreement to be executed by their authorized officers on this day of August 29, 2005.

ASSIGNOR:

NORTEL NETWORKS LIMITED

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

ASSIGNEE:

ANDREW CORPORATION

By: Marty Kitterell

Name: MARTY KITTERELL

Title: CHIEF FINANCIAL OFFICER

IN WITNESS WHEREOF, the Assigning Party and the Assignee have caused this Assignment of Patent Agreement to be executed by their authorized officers on this day of August 29, 2005.

ASSIGNOR:

NORTEL NETWORKS LIMITED

By: Arno Nachbauer  
Name: Arno NADOLNY  
Title: ATTORNEY-IN-FACT

ASSIGNEE:

ANDREW CORPORATION

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Schedule A

Disclosure No.	Patent No.	Title	Filing Date	Serial No.	Country
RR1193	6,091,957	System & Method for Providing a Geographic Location of a Mobile Telecommunications Unit	12 June 1997	08/874,061	US
RO3730	6,236,359	Cellular Terminal Location Using GPS Signals in the Cellular Band	14 May 1998	09/078,444	US
16280AU	6,903,683	Method for Delivering Assistance Data in an Unsynchonized Wireless Network	19 Nov. 2003	10/718,416	US
14644	-	Wireless Personal Leash	-	-	-
14645	-	Generic Interface to a Location Center to Upload Global Data	-	-	-
14646	-	New Model for Location Center Processing: Traffic Generation for Times of Low Load	-	-	-
15200	-	Modeling 3D Position Determination Problems in 2D Space Using Latitude and longitude	-	-	-
15493	-	Sub-Sector Timing Advance Positions Determinations	21 March 2003	10/394,527	US
16153	-	A-GPS Referenced TA/NMR Location Determination	22 Dec. 2003	10/743,974	US
16378	-	Monitoring Location of a Mobile Terminal	29 Sept. 2003	10/674,189	US
16389	-	Location Based Services	23 Dec. 2003	10/743,967	US
16529	-	A-GPS Location Determination	20 Feb. 2004	10/783,434	US
16786	-	GPS Signal Acquisition Assistance	3 Nov. 2004	10/980,476	US
17361	-	Method of Reporting the Location of a Wireless User	29 Oct. 2004	0424053.7	GB

17370	-	Location Information Server Discovery and Device Interaction Protocol	-	-	-
17479	-	Faster GPS Location Determination using GPS Server-Side Time Recovery	-	-	-
17493	-	Stochastic Model for Hybrid GPS/Cellular Ranging	-	-	-
17571	-	Using Multiple Satellite Combinations to Improve A-GPS Yield	-	-	-
17614	-	A Process for Detection of Erroneous GPS Code Phase Measurements	-	-	-

1335

ATTORNEY DOCKET NO. AND01 048

## EXHIBIT B



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
--------------------	------------------------	-----------------------	------------------------

10/783,434

02/20/2004

Peter Nicholson

AND01 048

RECEIVED

DUANE MORRIS, LLP

CONFIRMATION NO. 6373

Patrick D. McPherson  
1667 K Street, N.W., Suite 700  
Washington, DC 20006

DEC 20 2005



\*OC000000017674546\*

Date Mailed: 12/16/2005

### NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/09/2005.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

**DOCKETED**

*[Signature]*  
MELKAM BEYENE  
PTOSS (703) 305-3006

ATTORNEY/APPLICANT COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/783,434	02/20/2004	Peter Nicholson	920709-95578

**CONFIRMATION NO. 6373**

23644  
BARNES & THORNBURG, LLP  
P.O. BOX 2786  
CHICAGO, IL 60690-2786



\*OC000000017674538\*

Date Mailed: 12/16/2005

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 12/09/2005.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).



*Melkam Beyene*  
MELKAM BEYENE  
PTOSS (703) 305-3006

NEW ATTORNEY/AGENT COPY

1335

ATTORNEY DOCKET NO. AND01 048

## EXHIBIT C



AND01 048

In re the Patent Application of Peter Nicholson.

Serial No.: 10/783,434

Art Unit: 3662

Filed: February 20, 2004

Examiner: Gregory C. Johnson

Title: ASSISTED GLOBAL POSITIONING SYSTEM LOCATION  
DETERMINATION

Papers Enclosed: Two Transmittals and a Response to the Office  
Action dated December 27, 2005 for the above-identified application.



RECEIVED IN THE U.S. PATENT AND TRADEMARK OFFICE



ATTORNEY DOCKET NO. AND01 048

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of Peter Nicholson.

Serial No.: 10/783,434

Art Unit: 3662

Filed: February 20, 2004

Examiner: Gregory C. Issing

Title: ASSISTED GLOBAL POSITIONING SYSTEM LOCATION  
DETERMINATION

**TRANSMITTAL**

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith is a Response to the Office Action dated December 27, 2005, for the above-identified Application.

If a Petition for an Extension of Time is necessary for the paper transmitted herewith to be timely filed, this transmittal is to be considered as a petition to extend the response period by the amount of time needed for the paper to be timely filed.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 04-1679.

**FILE COPY**

A duplicate of this sheet is enclosed.

Respectfully submitted,

---

Patrick D. McPherson	Reg. No. 46,255
D. Joseph English	Reg. No. 42,514
Mark C. Comtois	Reg. No. 46,285

DUANE MORRIS LLP  
1667 K Street, N.W., Suite 700  
Washington, D.C. 20006  
Telephone: (202) 776-7800  
Facsimile: (202) 776-7801

Dated: January 27, 2006



ATTORNEY DOCKET NO. AND01 048

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of Peter Nicholson.

Serial No.: 10/783,434

Art Unit: 3662

Filed: February 20, 2004

Examiner: Gregory C. Issing

Title: ASSISTED GLOBAL POSITIONING SYSTEM LOCATION  
DETERMINATION

**TRANSMITTAL**

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith is a Response to the Office Action dated December 27, 2005, for the above-identified Application.

If a Petition for an Extension of Time is necessary for the paper transmitted herewith to be timely filed, this transmittal is to be considered as a petition to extend the response period by the amount of time needed for the paper to be timely filed.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 04-1679.

**FILE COPY**

A duplicate of this sheet is enclosed.

Respectfully submitted,

---

Patrick D. McPherson	Reg. No. 46,255
D. Joseph English	Reg. No. 42,514
Mark C. Comtois	Reg. No. 46,285

DUANE MORRIS LLP  
1667 K Street, N.W., Suite 700  
Washington, D.C. 20006  
Telephone: (202) 776-7800  
Facsimile: (202) 776-7801

Dated: January 27, 2006



ATTORNEY DOCKET NO. AND01 048

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of Peter Nicholson.

Serial No.: 10/783,434

Art Unit: 3662

Filed: February 20, 2004

Examiner: Gregory C. Issing

Title: ASSISTED GLOBAL POSITIONING SYSTEM LOCATION  
DETERMINATION

**RESPONSE**

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Restriction in the Office Action dated December 27, 2005 for the above-identified application.

Claims 1-61 are pending in the application. The restriction requires election of Group I (Claims 1-32, 38-61), Group II (Claims 33-34), or Group III (Claims 35-37). The restriction further requires an election of species 1-6.

Applicant elects group I (Claims 1-32, 38-61).

Applicant elects species 6. Applicant acknowledges the indication of generic claims 1, 16, 22, 24, 28, 38, 41, 45, 47 and 56. Should any of the generic claims be allowed, Applicant notes that all species will be examined on the merits. Applicant rejects any notion that the features in the species are obvious variants of each other, they are not.

Reconsideration is solicited.

Respectfully submitted,

---

Patrick D. McPherson	Reg. No. 46,255
Mark C. Comtois	Reg. No. 46,285
D. Joseph English	Reg. No. 42,514

DUANE MORRIS LLP  
1667 K Street, N.W., Suite 700  
Washington, DC 20006  
Telephone: (202) 776-7800  
Telecopier: (202) 776-7801

Dated: January 27, 2006

1335

ATTORNEY DOCKET NO. AND01 048

## EXHIBIT D

FEB. 9. 2006 3:43PM

BARNES & THORNBURG

NO. 049 P. 1



Attorney Docket 920709-95578

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FEB 09 2006

**BARNES & THORNBURG LLP**  
P.O. Box 2786  
Chicago, IL 60690-2786  
FACSIMILE TRANSMISSION

DATE: February 9, 2006

TOTAL NUMBER OF PAGES INCLUDING COVER PAGE: 2

TO: Commissioner for Patents

EXAMINER:

GROUP ART UNIT:3662

ATTN

MAIL STOP EBC

Attached: Change of Correspondence Address Application

If you do not receive all pages, please contact William M. Lee, Jr. at (312) 214-4800 or his assistant, Minnie Wilson at (312) 214-4829.

Certificate of Transmission

I hereby certify that this paper for Application Number 10/783,434 is being facsimile transmitted to the Patent and Trademark Office, Mail Stop - (571) 273-8300 on the date shown below.

Mattie Phillips

Name of Person Signing

Mattie Phillips

Signature

February 9, 2006

CHD501 MPHILLIPS 267192v1

PAGE 1/2 \* RCVD AT 2/9/2006 4:42:06 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/25 \* DNIS:2738300 \* CSID:3127595646 \* DURATION (mm:ss):00:46

RECEIVED

FEB. 9, 2006 3:43PM

BARNES &amp; THORNBURG CENTRAL FAX CENTER

NO. 049 P. 2

FEB 09 2006

PTO/SB/122 (01-08)

Approved for use through 12/31/2008. OMB 0651-0036  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**CHANGE OF  
CORRESPONDENCE ADDRESS**  
*Application*

Address to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/783,434
Filing Date	02/20/2004
First Named Inventor	Peter Nicholson
Art Unit	3662
Examiner Name	
Attorney Docket Number	920709-85578

Please change the Correspondence Address for the above-identified patent application to:

 The address associated with  
Customer Number: 

OR

 Firm or  
Individual Name 
Address 

City <input type="text" value="Alexandria"/>	State <input type="text" value="VA"/>	Zip <input type="text" value="22313"/>
--	---------------------------------------	--

Country 

Telephone <input type="text" value="703-285-2837"/>	Email <input type="text" value="william.m.lee@barnes-thornburg.com"/>
---	---

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the:

- Applicant/Inventor
- Assignee of record of the entire interest.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- Attorney or agent of record. Registration Number 26,935.
- Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number \_\_\_\_\_.

Signature

Typed or Printed Name William M. Lee, Jr.

Date February 9, 2006

Telephone (312) -214-4800

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

 Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

1335

ATTORNEY DOCKET NO. AND01 048

## EXHIBIT E



# UNITED STATES PATENT AND TRADEMARK OFFICE

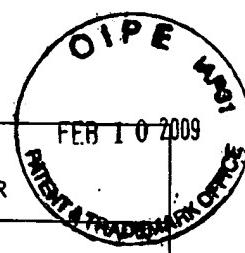


UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,434	02/20/2004	Peter Nicholson	920709-95578	6373
23644	7590	03/21/2006		EXAMINER
BARNES & THORNBURG, LLP				ISSING, GREGORY C
P.O. BOX 2786				
CHICAGO, IL 60690-2786			ART UNIT	PAPER NUMBER
			3662	

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/783,434	NICHOLSON, PETER
	Examiner	Art Unit
	Gregory C. Issing	3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 January 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) 1-61 are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

Art Unit: 3662

1. The Election response filed 1/27/06 is incomplete. The applicant has failed to identify the claims associated with the elected species as required. Applicant is required to provide a listing of all claims readable on the elected species.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is (571)-272-6973. The examiner can normally be reached on Monday - Thursday 6:00 AM- 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarca can be reached on (571)-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory C. Issing  
Primary Examiner  
Art Unit 3662

gci

1335

ATTORNEY DOCKET NO. AND01 048

## EXHIBIT F



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/783,434
Filing Date	February 20, 2004
First Named Inventor	Peter NICHOLSON
Art Unit	3662
Examiner Name	Gregory C. Issing
Total Number of Pages in This Submission	Attorney Docket Number AND01 048

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input checked="" type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b> The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 04-1679		
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>		
Firm Name	Duane Morris LLP	
Signature		
Printed name	Mark C. Comtois	
Date	April 12, 2006	Reg. No. 46,285

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	
Typed or printed name	Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



ATTORNEY DOCKET NO. AND01 048

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of : Peter NICHOLSON

Serial No.: 10/783,434

Art Unit: 3662

Filed: 20 February 2004

Examiner: Gregory C. Issing

Title: ASSISTED GLOBAL POSITIONING SYSTEM LOCATION  
DETERMINATION

**STATUS INQUIRY**

**BOX STATUS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicant respectfully inquires as to the status of the above-referenced application.

The application was filed 20 February 2004, and its last known status was an Information Disclosure Statement filed 03 March 2006 in the above-referenced application.

To date, no further communication has been received on this application.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 04-1679. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



Mark C. Comtois	Reg. No. 46,285
D. Joseph English	Reg. No. 42,514
Patrick D. McPherson	Reg. No. 46,255

DUANE MORRIS LLP  
1667 K Street, N.W., Suite 700  
Washington, DC 20006  
Telephone: (202) 776-7800  
Telecopier: (202) 776-7801

Dated: April 12, 2006

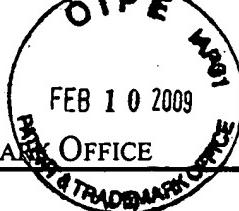
1335

ATTORNEY DOCKET NO. AND01 048

## EXHIBIT G



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/783,434	02/20/2004	Peter Nicholson	920709-95578	6373	
23644	7590	11/16/2006	EXAMINER		
BARNES & THORNBURG LLP				ISSING, GREGORY C	
P.O. BOX 2786				ART UNIT	
CHICAGO, IL 60690-2786				PAPER NUMBER	
				3662	

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



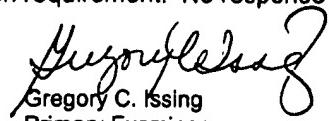
<b>Notice of Abandonment</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/783,434	NICHOLSON, PETER	
	Examiner	Art Unit	
	Gregory C. Issing	3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on 21 March 2006.
  - (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d)  No reply has been received.
  
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c)  The issue fee and publication fee, if applicable, has not been received.
  
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b)  No corrected drawings have been received.
  
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
  
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
  
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
  
7.  The reason(s) below:

The reply to the restriction requirement of 1/27/06 was incomplete. The Office Action mailed 3/21/06 required the applicants to respond within one month to complete the requirements of the restriction requirement. No response has been subsequently filed.

  
Gregory C. Issing  
Primary Examiner  
Art Unit: 3662

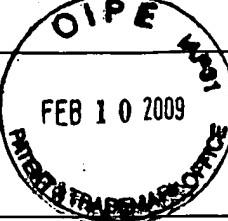
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

1335

ATTORNEY DOCKET NO. AND01 048

## EXHIBIT H

## Diary Log for Case: P15058US00



Printed: 2/9/2009

Log Date	Type	From	Diary Line Text	Data	Login Id
2/22/2007 15:50:33	Add	Diary	Missing Parts Resp Filed	7/19/2004	NDKINNEY
2/22/2007 15:50:09	Add	Diary	Missing Parts Mail Date	5/17/2004	NDKINNEY
2/22/2007 15:48:08	Add	Diary	Declaration Filed	Yes	NDKINNEY
3/29/2006 16:56:57	Add	Diary	Assignment Reel/Frame No.	017339/0525	NJKIM
3/29/2006 16:56:37	Add	Diary	Assignment Recordation Date	12/9/2005	NJKIM
3/6/2006 11:24:35	Add	Diary	IDS Filed	3/3/2006	LIG100
3/6/2006 11:24:24	Add	Diary	IDS Due	5/20/2004	LIG100
1/30/2006 12:04:22	Add	Diary	Restriction Resp Filed	1/27/2006	RTH100
1/3/2006 14:12:20	Add	Diary	Change of Corres Address Filed	12/9/2005	LIG100
1/3/2006 14:12:17	Add	Diary	Revocation/New POA Filed	12/9/2005	LIG100
1/3/2006 14:07:18	Add	Diary	Restriction Mail Date	12/27/2005	LIG100
12/12/2005 10:29:37	Add	Diary	Assignment Filed	12/9/2005	RTH100
11/19/2005 15:49:12	Add	Diary	Application No.	[REDACTED] 10/783,434	LIG100
11/19/2005 15:49:04	Add	Diary	Application Date	2/20/2004	LIG100
11/19/2005 15:46:45	Change	Diary	Responsible Office	D.C.	LIG100
11/19/2005 15:46:45	Add	Diary	Responsible Office	D.C.	LIG100
9/15/2005 09:50:29	Add	Diary	Date Created	9/15/2005	SXD100

End of report

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ATTORNEY DOCKET NO. AND01 048

## EXHIBIT I

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of Peter Nicholson.

Serial No.: 10/783,434

Art Unit: 3662

Filed: February 20, 2004

Examiner: Gregory C. Issing

Title: ASSISTED GLOBAL POSITIONING SYSTEM LOCATION  
DETERMINATION

**ELECTION****Mail Stop Amendment**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Restriction in the Office Action dated December 27, 2005 for the above-identified application.

Claims 1-61 are pending in the application. The restriction requires election of Group I (Claims 1-32, 38-61), Group II (Claims 33-34), or Group III (Claims 35-37). The restriction further requires an election of Species 1-6.

Applicant elects Group I (Claims 1-32, 38-61).

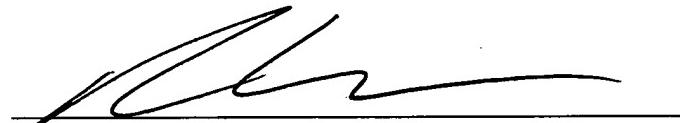
Applicant elects Species 6 with Claims 1-32 and 38-61 readable thereon. Species 6, as indicated by the Office, is allegedly directed to the "determination of the likelihood on the basis of *a plurality of criteria selected from the group* of angle of elevation, terrain indicator, elevation model, geometrical spread, and historical data." (emphasis supplied). Applicant submits that, in view of the recitation provided by the Office,

Claims 1-32 and 38-61 may be readable on Species 6 with generic Claims 1, 16, 22, 24, 28, 38, 41, 47, and 56 included therein.

Applicant also acknowledges the Office's indication of generic Claims 1, 16, 22, 24, 28, 38, 41, 45, 47 and 56. Should any of the generic claims be allowed, Applicant notes that all species will be examined on the merits. Applicant rejects any notion that the features in the species are obvious variants of each other without any support or evidence in the record.

Reconsideration is solicited.

Respectfully submitted,



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Dated: February 10, 2009